

Appln. No.: 09/838,147

Reply to Office Action of March 12, 2007

REMARKS/ARGUMENTS

The Final Office Action of March 12, 2007, has been carefully reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested. Claims 1, 21, 25, and 35 have been amended. No new matter has been added. Applicants note that the amendments contained herein are not intended to modify the scope of the claims, but rather to move existing recitations from the preamble to the body of the claim. Thus, Applicants submit that the Office is not required to conduct an additional search for prior art on the basis of the present amendments. Claims 1-41 are pending.

Applicants note with appreciation the indication of the allowability of claims 19 and 35.

Preliminarily, Applicants note that the Office Action at page 1 (under the Disposition of Claims, paragraph 6) indicates that claim 33 stands rejected. The remainder of the Office Action fails to indicate the grounds for rejection of claim 33. Applicants respectfully request that the Office indicate the grounds for rejection and the reference(s) used in the next communication, with particular specificity as to what portions of the reference(s) allegedly demonstrate the recited features. Notwithstanding this deficiency, Applicants submit that upon entry of the present paper that claim 33 is in condition for allowance.

The Office Action rejects claims 1-3, 5-6, 9-10, 12-13, 16, 20-21, 24-25, and 28-31 under 35 U.S.C. § 102(e) as being anticipated by Youngs (U.S. Patent No. 6,600,918). This rejection is respectfully traversed.

Initially, Applicants note that the Office Action is not fully responsive to the Response filed October 30, 2006. Namely, independent claim 1 recites, among other features, "receiving a request from a user of the first mobile terminal for information relating to the resource." In the Applicants' Amendment of October 30, 2006, Applicants at page 8 addressed the deficiencies of Youngs with respect to the recited features. Applicants incorporate those same remarks herein by reference. The Office Action at page 2 (Response to Arguments) acknowledges Applicants' remarks regarding the recited features, yet fails to provide a response with respect to this claim recitation, and does not indicate *how* Youngs allegedly demonstrates the recited features. Instead, the Office Action states that Youngs teaches that a media program provider may include or be coupled to a source handset for sending transmissions to other handsets, and that further inherent negotiation is disclosed wherein the media program is multiplexed into separate wireless

Appl. No.: 09/838,147

Reply to Office Action of March 12, 2007

channels for each subscriber, even if two or more subscribers have requested the same media program. Applicants fail to see how the above noted teachings in Youngs demonstrate the recited features of receiving a request from a user of a first mobile terminal for information relating to the resource. Notably, the Office's rationale in rejecting claim 1 in the Office Action at pages 2-3 neglects to provide any indication as to how Youngs demonstrates the recited features, and the Office Action thus does not establish a prima facie rejection of claim 1. Applicants respectfully request the Office to provide a clear statement of how Youngs purports to demonstrate the recited feature of "receiving a request from a user of the first mobile terminal for information relating to the resource" in the next communication. Applicants submit that Youngs fails to teach or suggest the recited features, and that claim 1 is allowable for at least these reasons.

Claim 1 also recites features related to "transporting the requested information to the first mobile terminal responsive to the request." Similar as above, the Office Action fails to address this recitation of the claim, both in its Response to Arguments, as well as in the discussion of the substantive rejection of claim 1. Applicants again submit that Youngs fails to teach or suggest the recited features. Instead, Youngs at col. 3, lines 5-12 merely describes that a media program provider may also include or be coupled to a source handset 32f for sending transmissions to other handsets either directly if they are located within direct communication proximity to the source handset 32f, or indirectly through the wireless network. Even assuming, *arguendo*, that source handset 32f in Youngs can be analogized to the recited first mobile terminal, Youngs fails to teach or suggest transporting the requested information to the source handset 32f (i.e., the alleged first mobile terminal) responsive to the request. The media program provider in Youngs provides the program to the network and there would be no purpose in media program provider receiving requested information responsive to the request as recited. Independent claim 1 is allowable for at least these additional reasons. Applicants note that the Office Action at page 2 (Response to Arguments) fails to provide an indication as to how Youngs allegedly demonstrates the recited features. Moreover, the Office Action at pages 2-3 is deficient in that it fails to give any consideration whatsoever to the features of "transporting the requested information to the first mobile terminal responsive to the request" as recited in claim 1.

Appln. No.: 09/838,147
Reply to Office Action of March 12, 2007

As per MPEP § 707(c)(2), Applicants respectfully request the Office to specify how Youngs allegedly demonstrates (at least with respect to the above noted) recited features, so as to provide Applicants a basis for responding to the communications generated by the Office. Applicants have been forced to maintain the substantive remarks as appeared in Applicants' Amendment of October 30, 2006, due to the above noted deficiencies of the March 12, 2007, Office Action.

Amended independent claims 21 and 25 recite features similar to those described above with respect to claim 1. Claims 21 and 25 are allowable for at least those same reasons.

Claims 2, 3, 5, 6, 9, 10, 12, 13, 16, 20, 24, and 28-31 depend from claim 1, 21, or 25 and are allowable for at least the reasons set forth above for claim 1, 21, or 25.

The Office Action rejects claim 4 under 35 U.S.C. § 103(a) as being unpatentable over Youngs in view of Kotola (WO 98/11744). This rejection is respectfully traversed.

Claim 4 depends from claim 1. As set forth above, Youngs fails to teach or suggest claim 1. Kotola fails to cure the deficits of Youngs with respect to claim 1. Therefore, the rejection should be withdrawn.

Furthermore, Kotola (page 2 line 23 through page 4 line 6) merely describes a method of accessing a data network in a digital mobile communication system providing short message service. In Kotola, a communication system is comprised of a mobile station, a short message service center, a communications network (e.g., the Internet), and World Wide Web (WWW) servers. The mobile station transfers a short message to a short message service centre having access to a communication network. A WWW server, in response, provides a return short message to the mobile station over the network. The mobile station displays the contents of the returned short message on its associated display. Kotola does not contemplate or suggest the claim 1 features of receiving a selection input from a first mobile terminal, negotiating a communication between the first and a second mobile terminal responsive to the selection input, and transferring resource related information from the first mobile terminal to the second mobile terminal over the communication connection. Assuming *arguendo* that the mobile station in Kotola serves as a first mobile terminal, the mobile station in Kotola does not attempt to transfer the contents of the returned short message (resource related information) to a second mobile station. Claim 4 is therefore allowable for this additional reason.

Appl. No.: 09/838,147
Reply to Office Action of March 12, 2007

The Office Action rejects claim 11 under 35 U.S.C. § 103(a) as being unpatentable over Youngs in view of Bridgman (U.S. Patent No. 6,523,062). This rejection is respectfully traversed.

Claim 11 depends from claim 1. As set forth above, Youngs fails to teach or suggest claim 1. Bridgman fails to cure the deficits of Youngs with respect to claim 1. Therefore, the rejection should be withdrawn.

The addition of Bridgman does not remedy the above-noted deficiencies of Youngs. Bridgman describes a method, system, and computer program for facilitating network delivery of Wireless Markup Language (WML) decks to memory constrained client devices using deck reduction techniques. A WML deck is a unit of transmission, as it comprises the information delivered to a client machine in response to a request for a particular URL (Bridgman, col. 2, lines 15-28). In Bridgman (col. 7 lines 34-44) a deck is processed based on the URL requested by a user at a client device. As such, Bridgman does not contemplate or suggest the features of receiving a selection input from a first mobile terminal, negotiating a communication between the first and a second mobile terminal responsive to the selection input, and transferring resource related information from the first mobile terminal to the second mobile terminal over the communication connection as recited in claim 1. Instead, Bridgman merely demonstrates a deck retrieval system wherein decks are processed based on a user request.

The Office Action rejects claims 7-8, 14-15, 23, 27, 32, and 36-41 under 35 U.S.C. § 103(a) as being unpatentable over Youngs in view of Coan (U.S. Patent No. 6,584,321). This rejection is respectfully traversed.

Claims 7-8, 14-15, 32, and 36-38 depend from claim 1. Claims 23 and 39-41 depend from claim 21. Claim 27 depends from claim 25. As set forth above, Youngs fails to teach or suggest claims 1, 21, or 25. Coan fails to cure the deficits of Youngs with respect to claims 1, 21 or 25. Therefore, the rejection should be withdrawn.

Furthermore, Coan demonstrates a method and apparatus for transmitting data to a wireless communications device over a selected bearer service. Coan does not contemplate or suggest the features of receiving a selection input from a first mobile terminal, negotiating a communication between the first and a second mobile terminal responsive to the selection input, and transferring resource related information from the first mobile terminal to the second mobile

Appln. No.: 09/838,147
Reply to Office Action of March 12, 2007

terminal over the communication connection as recited in claims 1, 21, and 25. Instead, in Coan (col. 5 line 65 – col. 6 line 15) a user receives a service message that contains a portion of overall service content. Having viewed the service message, the user has the option of generating a service request to retrieve additional service content. Coan fails to teach the transfer of service content (resource related information) from the user (first mobile terminal) to a second mobile terminal.

Claim 34 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Youngs in view of Tayama (U.S. Patent No. 6,131,143). As set forth above, Youngs fails to teach or suggest claim 1. Tayama fails to cure the deficits of Youngs with respect to claim 1. Therefore, the rejection should be withdrawn.

Tayama describes a system in which a first terminal downloads data from a base station through a second terminal. Tayama does not contemplate or suggest the features of receiving a selection input from a first mobile terminal, negotiating a communication between the first and a second mobile terminal responsive to the selection input, and transferring resource related information from the first mobile terminal to the second mobile terminal over the communication connection as recited in claim 1. Instead, in Tayama (col. 4 lines 52-64) a first terminal (terminal A) issues a request to a second terminal (terminal B) to download data for the first terminal (terminal A) from a base station. The second terminal (terminal B) responds by attempting to relay signals between the first terminal (terminal A) and the corresponding base station to transfer the data. As such, in Tayama the second terminal (terminal B) is responsible for transferring the data to the first, requesting terminal (terminal A). The orientation of data flow is the reverse of the claim 1 feature. Claim 1 is distinct for at least this reason, and Claim 34 is therefore allowable at least based on its dependency on claim 1.

Appln. No.: 09/838,147
Reply to Office Action of March 12, 2007

CONCLUSION

It is believed that no fee is required for this submission. If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

All rejections having been addressed, applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same.

Respectfully submitted,

BANNER & WITCOFF, LTD.

Dated: June 7, 2007

By: /Ross Dannenberg/
Ross A. Dannenberg
Registration No. 49,024

1100 13th Street, N.W.
Suite 1200
Washington, D.C. 20005-4051
Tel: (202) 824-3000
Fax: (202) 824-3001